

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

MICHAEL KENNEDY, #1516203,

Petitioner,

v.

DIRECTOR, TDCJ-CID,

Respondent.

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Case No. 6:21-cv-106-JDK-KNM

**ORDER ADOPTING REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

Petitioner Michael Kennedy, a Texas Department of Criminal Justice inmate proceeding pro se, filed this federal petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The petition was referred to United States Magistrate Judge K. Nicole Mitchell for findings of fact, conclusions of law, and recommendations for disposition.

On March 17, 2021, Judge Mitchell issued a Report and Recommendation recommending that the Court deny the petition and dismiss the case without prejudice due to Petitioner's failure to satisfy sanctions previously imposed upon him. Docket No. 4. Petitioner objected. Docket No. 8.


Where a party objects within fourteen days of service of the Report and Recommendation, the Court reviews the objected-to findings and conclusions of the Magistrate Judge de novo. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en*

*banc*), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Petitioner's objections in this case assert that the Magistrate Judge's Report and Recommendation is "void and insufficient," but are otherwise devoted to arguments regarding the merits of his petition and have no bearing on the correctness or legality of the Magistrate Judge's analysis or recommendation. Docket No. 8 at 1. The objections thus fail to satisfy the requirement that "[p]arties filing objections must specifically identify those findings [to which they object]. Frivolous, conclusive or general objections need not be considered by the district court." *Nettles v. Wainwright*, 677 F.2d 404, 410 n.8 (5th Cir. 1982) (en banc), *overruled on other grounds by Douglass*, 79 F.3d at 1428–29.

Having conducted a de novo review of the Report and the record in this case, the Court has determined that the Report of the United States Magistrate Judge is correct, and Petitioner's objections are without merit. The Court therefore **OVERRULES** Petitioner's objections (Docket No. 8) and **ADOPTS** the Report and Recommendation of the Magistrate Judge (Docket No. 4) as the opinion of the District Court. Petitioner's petition for habeas corpus is hereby **DISMISSED** without prejudice for failure to satisfy previously imposed sanctions. Further, the Court **DENIES** a certificate of appealability.

So **ORDERED** and **SIGNED** this **6th** day of **May, 2021**.

  
JEREMY D. KERNODLE  
UNITED STATES DISTRICT JUDGE